

- 5 -

REMARKS

Claims 1-21 were pending in the application. Claim 4 is canceled herein. Therefore, claims 1-3 and 5-21 are currently pending in the present application. The Applicants respectfully request reconsideration of the Restriction Requirement in view of the amendments above and the remarks below.

The Examiner issued a restriction requirement alleging that 220 inventions are present in the application as follows:

Groups 1-110        claims 1-9 and 14-21 comprising any of SEQ ID NO:1-110, respectively; and

Groups 111-220      claims 10-13 comprising any of SEQ ID NO:1-110, respectively.

The Applicants traverse the present restriction requirement. As required under 37 C.F.R. § 1.499 the Applicants elect, with traverse, claims 1-9 and 14-21; and SEQ ID NO:41 (Group 41).

The Examiner alleges at page 2 of the restriction requirement mailed October 03, 2003 that, "The inventions listed as Groups 1-220 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: SEQ ID NO:1 differs in structure and in function from the polypeptides comprising SEQ ID NO:2-110 and the polynucleotide encoding SEQ ID NO:1-110. Therefore, the special technical feature of SEQ ID NO:1 is distinct from Groups 2-220."

The claims, as amended above, have been limited to the sequence of any of SEQ ID NO:3, SEQ ID NO:7, SEQ ID NO:11, SEQ ID NO:15, SEQ ID NO:21-24, SEQ ID NO:38-47, SEQ ID NO:68-70, or SEQ

- 6 -

ID NO:80-99. The present polypeptides each share a common function in that they bind the trinucleotide GNG and the polypeptides each share a similar structure in that they include the sequence RSDXLV(R/K). Therefore, Applicants respectfully submit that the present polypeptides are unified by their functional and structural similarity.

Furthermore, there must be a serious burden on the Examiner when restriction is required (see MPEP 803). In view of the amendments to the claims wherein the claimed sequences share the similar sequence RSDXLV(R/K), there cannot be a serious burden on the Examiner to search the claimed sequences because the claimed sequences share a similar structure. Applicants respectfully request that the Examiner consider amended claims 1-9 and 14-21 comprising the sequence of any of SEQ ID NO:3, SEQ ID NO:7, SEQ ID NO:11,SEQ ID NO:15, SEQ ID NO:21-24, SEQ ID NO:38-47, SEQ ID NO:68-70, or SEQ ID NO:80-99 as one claim group for the reasons discussed above.

Referring to the restriction between groups 1-110 directed to polypeptides (claims 1-9 and 14-21) and groups 111-220 directed to polynucleotides that encode the claimed polypeptides (claims 10-13); Applicants respectfully submit that groups 1-110 and groups 111-220 share the common technical feature that the polynucleotides encode the claimed polypeptides. Therefore, groups 1-110 and groups 111-220 relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they share the same or corresponding special technical features because the polynucleotides encode the polypeptides. Applicants respectfully request that the Examiner withdraw the restriction requirement based upon the groupings into claims reciting polypeptides (claims 1-9 and 14-21) and claims reciting polynucleotides that encode the polypeptides (claims 10-13).

- 7 -

In response to the Examiner's invitation to review the claim language of claims 2 and 4 (see page 2 of the restriction requirement, last paragraph), Applicants have amended claims 2 and 3 to make it clear that the composition comprises a single polypeptide that comprises from 2 to about 12 (claim 2) or from 2 to about 6 (claim 3) nucleotide binding regions which are operatively linked. Claim 4 is canceled.

**CONCLUSION**

If the Examiner requires clarification or has questions regarding this matter, the Examiner is encouraged to contact the representative for the Applicants at the phone number listed below.

The Commissioner is hereby authorized to charge Deposit Account No. 19-0962, should any additional fees be required in this application.

Respectfully submitted,

March 03, 2004  
Date

  
Michael McCarthy, Reg. No. 46,910

THE SCRIPPS RESEARCH INSTITUTE  
10550 North Torrey Pines Road  
Mail Drop TPC 8  
La Jolla, California 92037  
(858) 784-2937